

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, December 9, 2009, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, November 18, 2009 Worksession.

Action: Approved as amended, (SBB/DKP, 4-0).

2. **A-6274, Appeal of Robin Rice** (Department of Fire and Rescue Services - Letter dated August 18, 2008). Request from the appellant for a refund of the filing fee.

Action: Granted 100% (\$200.) refund of the filing fee, (DKP/CJS, 4-0).

3. **A-6282, Appeal of The Goodman-Gable-Gould Co./International and Traville Office Property Venture LLC by Harvey Goodman and Neil Kahn** (Department of Permitting Services (DPS) – Letter dated November 21, 2008). Letter to the Board from Steven Robins, Esquire, and Jason Fisher, Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (CJS/SBB, 4-0).

4. **CBA-2115, Petition of Elliott R. Shapiro, D.D.S. and Francine Shapiro** (medical practitioner's office). Letter from Ronald Bolt, Esquire, notifying the Board of the special exception's new tenants.

Action: Re-opened the record to include Mr. Bolt's letter, (DKP/CJS, 4-0).

5. Returning Item. **CBA-2364, Petition of Levitt & Sons, Inc. (Strathmore Bel Pre Recreation Association)** (community swimming pool). Letters to the Board from Arthur Meister requesting an administrative modification. [Large exhibit: site plan].

Action: (1) Granted to the transfer of the special exception; (2) granted the administrative modification, (DKP/CJS, 4-0).

6. **CBA-2684-C, Petition of the German School** (private educational institution). Letter to the Board from Ronald Bolt, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (SBB/DKP, 4-0).

7. **S-180-B, Petition of the George Meany Center for Labor Studies** (private educational institution). Letter to the Board from Debra Borden, Esquire, requesting an administrative modification. [Large exhibits: cover sheet, overall site plan, demolition plan, grading plan, drainage area plan, erosion and sediment control plan/4 sheets, new electrical and demolition plan, cover sheet/tree protection and demolition plan, overall hardscape plan, layout plan, hardscape details/4 sheets, product information, overall landscape plan, landscape details].

Action: Granted the administrative modification, (DKP/SBB, 4-0).

8. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Leslie Weber, Senior Vice President, submitting the meeting minutes from the 10/20/09 Community Liaison Committee.

Action: Re-opened the record to include Ms. Weber's letter with attachments, (CJS/SBB, 4-0).

9. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DKP/CJS, 4-0).

10. **S-2153, Petition of American PCS, L.P. (by Margaret C. Ruggieri)** (telecommunications facility). Letter from Donna Frescatore, Property Specialist, requesting an administrative modification.

Action: Item deferred for clarification of whether the proposed tower complies with the current required setbacks, consensus.

11. **S-2290, Petition of Kuhn Tree Service** (landscape contractor). Memorandum to the Board from Heather Gottke, Inspector, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (SBB/CJS, 4-0).

12. **S-2549, Petition of Scott and Marsha Kaufman** (accessory apartment). Letter from Marsha Kaufman requesting a name change for the special exception.

Action: Granted name change for the special exception, (SBB/CJS, 4-0).

13. **S-2668, Petition of Taiwan Culture Center** (service organization). Letter from Tai Huang, President, submitting the special exception's annual report and a response to the Board's Resolution dated 10/15/09. Also included is an inspection report from Heather Gottke, DPS. [Large exhibit: landscape and lighting plan].

Action: (1) Re-opened the record to include the letters from Mr. Huang and Ms. Gottke; (2) adopted the Hearing Examiner's Second Supplemental Report and Recommendation; (3) adopted the Hearing Examiner's Second Supplemental Report and Recommendation with Conditions 22 and 23, (DKP/SBB, 4-0).

14. **S-2699, Petition of ExxonMobil Corporation** (automobile filling station). Memorandum from Damon Orobona, Development Review Division, M-NCPPC, submitting an approved revised landscape plan. [Large exhibit: grading and landscape plan].

Action: Re-opened the record to include Mr. Orobona's memorandum with attachment, (DKP/CJS, 4-0).

#### **DECISION ITEMS:**

15. **CBA-2521-J, Petition of Montgomery General Hospital, Inc.** (hospital). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (DKP/SBB, 4-0).

16. **S-717-B, Petition of Our House, Inc.** (nursing home or domiciliary care home). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception with conditions, (DKP/CJS, 4-0).

17. **S-2755, Petition of Patricia A. Holtz** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) granted the special exception with conditions, (DKP/CJS, 4-0).

**PENDING ITEMS:**

18. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
19. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
20. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
21. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
22. **S-289-B [S-289, S-289A], Petition of the Little Falls Swim and Tennis Club** (community swimming pool). Letter to the Board from Susan Valenstein, President, requesting an administrative modification. (Large exhibits: revised landscape plan/5 sheets and a lighting plan). (1) Granted temporary approval of the administrative modification; (2) Board will review the administrative modification request with the Club's submission of its annual report in December 2009. [W/S 10/7/09].
23. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
24. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].

25. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
26. **S-2504, Petition of Sunrise Development, Inc.** (housing for the elderly and handicapped). Letter to the Board from Victoria Khomutetsy requesting an administrative modification. Item deferred for Sign Review Board approval. [W/S 10/28/09].
27. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

### **Board Members**

Catherine G. Titus, Chair  
David K. Perdue, Vice Chair  
Walter S. Booth - ABSENT  
Carolyn J. Shawaker  
Stanley B. Boyd

### **Staff**

Barbara Jay, Associate County Attorney  
Katherine Freeman, Executive Director  
Hermene Jones, Administrative Specialist